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A Quantitative Analysis of Wrongful Death Lawsuits Involving Police Officers in the United States, 1995-2005

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This article examines the nature of wrongful death lawsuits involving police officers in the United States. By reviewing state-level cases, the authors determine the circumstances surrounding the incidents. More specifically, the authors note characteristics such as the parties typically involved in the cases, the situation in which the deaths occurred, the location of the incidents, the status of the deceased (suspect/nonsuspect), the number of officers involved in the incidents, the specific reasons for the suits, and the outcomes of the cases. Multivariate analyses were also performed to determine the strongest predictors of success in these suits. The implications of the research for police officers and citizens are also discussed.

Keywords: *characteristics of individuals killed by police officers; civil liability; lawsuits against the police; officer involved deaths; state-level litigation; wrongful death cases*

Introduction

During the course of their regular duties, police officers encounter a variety of situations that require them to place themselves in harm's way. By placing themselves in such situations, on occasion, they also place citizens and suspects in dangerous situations. Taking such chances leads to citizens/suspects being injured or, in a worst case scenario, killed. As a consequence, police officers are often the targets of civil suits pertaining to such incidents. In recent years, the nature and scope of these incidents and the subsequent suits have garnered the attention of criminal justice and legal scholars.

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Although thousands of civil cases are handled annually in courts around the country (Cohen & Smith, 2004), those involving the police have resulted in significant monetary damages. According to Ross (2000), the average awards in failure-to-train cases amounted to \$450,000, with an additional average of \$60,000 in attorney fees (p. 180). A more recent survey of a large number of police chiefs in Texas found that the average civil liability case resulted in considerable damage awards. More specifically, Vaughn and his colleagues reported that cases that were settled averaged \$55,411 per settlement, whereas those that went to court resulted in damage awards averaging \$98,100 (Vaughn, Cooper, & del Carmen, 2001, p. 10). In New York, it has been reported that, between 1994 and 1996, approximately \$70 million was paid out in monetary damage awards (Novak et al., 2003, p. 354). Given the aforementioned figures, it is likely that some of the more significant awards are for wrongful death-related cases.

During the past two decades, there have been numerous research studies on police liability in the areas of civil rights and Federal Statute Section 1983 cases (Barrineau & Dillingham, 1983; Ross, 2000; Smith, 1995; Vaughn & Coomes, 1995; Wardell, 1983). Many of the actions taken and resulting injuries for these cases are precursors to or filed in conjunction with wrongful death cases. As a result, police agencies have taken action to reduce their liability. For example, law enforcement officials continue to review their responses to domestic violence and the mentally disabled. One area lacking scholarly exposition is quantitative research that examines the outcomes and predictors of liability cases. This study aims to fill this gap in the literature by examining wrongful death cases involving police officers across the United States.

Literature Review

In an attempt to gain a perspective on this issue, a review of the previous literature revealed an abundance of scholarship related to police liability; however, very little of this literature examines the nature of wrongful death cases. Nevertheless, the extant literature provided a useful starting point for an understanding of the nature of police liability. Some of the early scholarship in the police shootings/brutality area has outlined those characteristics associated with the use of deadly force. For example, Siegel and Senna (2005), summarizing the literature in the area, have noted that the following seven factors have consistently been related to the prevalence of police shootings: (a) violence levels, (b) exposure to violence, (c) officer workload, (d) the availability of firearms, (e) the level of deprivation in an area, (f) the nature of administrative policies in a particular jurisdiction, and (g) race (pp. 229-230).

Because of the continuing concerns related to police shootings/brutality, in the late 1980s and the early 1990s, the literature on police liability increased precipitously, with numerous scholars investigating the tenor of court decisions. In part, this was because of the 1985 *Tennessee v. Garner* decision, which outlined the conditions

under which deadly force could be used. In doing so, the decision also implicitly underscored those instances in which the use of lethal force might result in civil suits against law enforcement agencies (Culliver & Sigler, 1995; Sparger & Giacomassi, 1992). Besides focusing on the nature and scope of legal decisions related to the use of lethal force, the literature also became more diverse. Some of this literature examined those factors most associated with police officers killing felons (Sorenson, Marquart, & Brock, 1993). Such research clearly pointed to the significant roles of economic inequality and the percentage of Black residents in a particular community when seeking to contextualize police shootings that result in the death of felons. As one might imagine, such situations often result in wrongful death civil suits.

In this same period, additional scholarship also sought to examine a wider range of instances in which the police might be sued. Kappeler and del Carmen (1990), with their research on the liability associated with officers who failed to arrest intoxicated drivers, were among the first cadre of scholars who started producing significant scholarship outside of the lethal force area. The following year, Kappeler, Vaughn, and del Carmen (1991; see also Kappeler & del Carmen, 1991) investigated the vulnerability of the police in preventing suicide while suspects were in custody. More specifically, their article examined "supervision of suicidal detainees; construction of the custodial facility; the effect of agency rules, regulations, and procedures; and failure to render assistance" (p. 382). After reviewing the case law, the authors concluded that a "breach of duty" was found in cases where the following factors were present: "failure to provide safe facilities for detainees, negligent supervision, the failure to remove facilitating suicide materials, failure to provide medical care after a suicide attempt, and failure to follow agency rules" (p. 392). As a preventive measure, the authors concluded by urging law enforcement and correctional officials to monitor the judicial trends related to death-in-detention cases.

During the early to mid-1990s, scholars also examined areas such as the abandonment of suspects in high-crime and high-risk areas (Vaughn, 1994) and also those situations in which the courts considered officers to be acting under the "color of law" (Vaughn & Coomes, 1995). By the end of the decade, Ross (1998) turned to an examination of the nature of the liability attached to wrongful deaths in police custody. Using 37 cases as his foundation, Ross specifically examined the nature of sudden/wrongful death instances that occurred after there was force used by an officer. In addition, the review focused on concerns related to restraints, medical care, and training issues (pp. 66-67). Though rare, such cases could result in "serious repercussions" (p. 85). As such, Ross provided several policy and training recommendations. These included (a) reviewing and revising use-of-force policy, (b) providing additional training in escalation and de-escalation techniques, (c) reviewing policies related to transferring restrained suspects, (d) reviewing policies related to handling special needs arrestees (mentally or chemically impaired persons), and (e) ensuring thorough investigations of sudden death incidents to determine the causes of such incidents (pp. 85-87).

Building on his 1998 research, Ross (2000) conducted a content analysis of more than 1,500 section 1983 lawsuits in which the police and/or their supervisors were sued based on claims of failure to train. Ross sought to determine the top 10 reasons for such suits. The following situations (in order of frequency) constituted the most frequent instances in which the police were sued for failure to train: lethal and nonlethal force, failure to protect, emergency vehicle operations, false arrest/unlawful detention, medical care, arrestee/detainee suicide, search and seizure issues, police as plaintiff, and other/emerging issues (Ross, 2000). Based on his findings, Ross suggested a series of recommendations that police administrators should follow to reduce their potential liability. First, he suggested that they “conduct an internal assessment of recurring tasks officers and supervisors perform on a routine basis” (p. 187). In addition, he recommended that once the policies are reviewed, they should be revised accordingly. Supervisory training should also be a part of the process. In all instances, he recommended that there be ample documentation of the training of officers and supervisors. To complete the cycle inherent in his recommendations, he urged police administrators to “monitor and evaluate current and future training” (p. 188).

Following 2000, the police liability literature continued to diversify, with concerns regarding “litigaphobia” or the fear of being sued, resulting in studies examining (a) qualified immunity (Worrall, 2001), (b) police chiefs’ views on civil liability (Vaughn, Cooper, & del Carmen, 2001), (c) officers’ views on civil liability (Hall, Ventura, Lee, & Lambert, 2003; Hughes, 2001), (d) the impact of missing data and selection bias on surveys to police administrators (Archbold & Maguire, 2002), (e) the impact of civil liability on police officers’ reluctance to police aggressively (Novak et al., 2003), and (f) the liability of police officers in domestic assault cases (Blackwell & Vaughn, 2003). The most recent literature in the area qualitatively examined the role of risk management in reducing the number of civil suits in 14 police agencies (Archbold, 2005).

The current article expands the prior literature by examining wrongful death suits that involve more than just those incidents when officers exerted deadly or less than deadly force (which ultimately resulted in death). This research examines the following questions: What are the descriptive characteristics of wrongful death cases against police? What are the outcomes of these cases? What are the strongest predictors of a decision in favor of the complainant (or in favor of the police) in these cases?

Methodology

To investigate wrongful death cases against the police, the authors searched the Lexis/Nexis Academic Legal Research Database under the State Case Law function. Using the search terms “wrongful death” and “police” for the period 1995-2005, resulted in more than 2,350 state high or appellate court cases within the 51 states. Many of the search results mentioned wrongful death or the police within the text of

the court decision but were not cases of wrongful death that resulted from police action or the failure of the police to act. Once the nonrelevant and duplicate cases were removed, the database was reduced to 369 cases. Because of the focus of our study, cases that involved deaths while incarcerated were excluded if they were against a Division or Department of Corrections but were included if they were against a sheriff or Police Department supplying temporary custody.

Using content analysis techniques similar to those employed in prior research (Kappeler, Kappeler, & del Carmen, 1993; Ross, 2000), several characteristics were extracted from each case. First, general characteristics of the case were culled from the case record. These included (a) the state where the case originated, (b) the targets of the suits (officers, officers, and management, etc.), (c) the way in which the person died, (d) the gender of the deceased, (e) the age of the deceased (adult or minor), (f) the number of officers involved in the incident, (g) the gender of the officer(s), (h) the season the incident took place (winter, spring, summer, or fall), and (i) the time of the incident (daytime, evening, and night). In addition to noting the reason why the incident took place (e.g., pursuit related, death while incarcerated, death after release, etc.), the duty prescribed to police, such as failure to protect, exercise caution, failure to respond, or use of excessive force, which they were alleged to have committed was also noted. Three additional characteristics noted included the status of the deceased, the location of the incident, and the damage award received. The classification of the status of the suspect and location of the incidents required some additional clarification. For the status of the deceased, we noted whether the person was a suspect, a nonsuspect (innocent party), or a third-party participant (e.g., passenger in a stolen vehicle, passenger who was a relative of a suspect, etc.). The location of the incident was determined based on where the incident occurred (urban, suburban, or rural). As a general rule, a city was categorized as urban unless it was in a residential neighborhood of the city. A location was categorized as suburban if the incident occurred in a residential district in a county outside of the city. Incidents were classified as having occurred in a rural location if the case discussed a wooded or farmland outside of the city.

In examining the outcome of cases in the database, we used a two-tiered approach. First the "verdict" or outcome of each of these cases was recorded as either "in favor of plaintiff" or "in favor of police." Then, for each case affirmed in favor of the plaintiff where the information was available, we recorded the dollar amount of the judgment granted. Separate multivariate analyses were performed with both "verdict" and "dollar award" as the dependent variable. Logistic regression was used in the former case, as the dependent variable was dichotomously measured and ordinary least squares (OLS) regression was used for the continuous dependent variable dollar award. It was our feeling that the more precise measure of dollar award to plaintiff could refine the impact of the predictor variables by analyzing the *degree* of police culpability as indicated by the financial compensation granted to the complainant.

Table 1
Top 10 States With Wrongful Death Lawsuits Involving the Police (1995-2005)

State	Number of Cases
California	35
New York	31
Louisiana	30
Texas	30
Ohio	17
Georgia	15
Connecticut	14
Michigan	14
Mississippi	12
North Carolina /Tennessee/Illinois	11

Results

The results are presented in three sections. First, we review the basic case characteristics. Following our review of these characteristics, we turn to the substantive issues involved in the cases. Such case characteristics outline the reasons for the cases, the negligence claimed by the plaintiffs, and the outcomes of the case. Multivariate analyses conclude the results section.

Basic Case Characteristics

Although lawsuits related to wrongful death were found in each of the states (including the District of Columbia), Table 1 shows that California had the most wrongful death cases ($n = 35$; 9.6%), followed by New York ($n = 31$; 8.5%) and Louisiana with $n = 30$ (8.1%). In nearly 94% of the cases examined, the parties assigned to the litigation included the officer(s), their management, and the political subdivision they represent. The type of death associated with wrongful death lawsuits filed against the police involved mostly automobile crashes (45%), followed by shootings (28.2%), and others (hypothermia, alcohol/OD, etc.). Most suits involved a single death (88.9%), with multiple deaths accounting for only 10% of the cases. Moreover, adult (67.5%) males (63%) composed the largest share of the deceased. The number of officers involved in these types of incidents was equally split between those involving single (45.5%) and multiple (50.1%) police officers. A review of other basic case characteristics (highlighted in Tables 2 and 3) revealed that a quarter of the incidents occurred in the fall, with nearly 26% occurring at night.

Substantive Case Issues and Case Outcomes

We turn now to some of the substantive issues related to the cases. Most of the deaths were a result of pursuits ($n = 78$; 21.4%), followed by death while in custody

Table 2
Season When Incident Occurred

Season	Frequency	%
Fall (Sept-Nov)	93	25.2
Summer (Jun-Aug)	86	23.3
Spring (Mar-May)	69	18.7
Winter (Dec-Feb)	63	17.1
Missing	58	15.7
Total	369	100

Table 3
Time of Incident

Time of Day	Frequency	%
Night (2300-0700)	95	26
Evening (1500-2300)	77	21
Daytime (0700-1500)	37	10
Missing	160	43
Total	369	100

Table 4
Nature of Negligence Alleged

Nature of Claim	Frequency	%
Failure to exercise caution	108	29.3
Failure to protect	106	28.7
Excessive force	67	18.2
Failure to respond	61	16.5
Failure to aid	13	3.5
Missing	14	3.8
Total	369	100

($n = 40$; 11%), domestic related ($n = 32$; 8.8%), and death after release ($n = 28$; 7.7%). Table 4 shows that the largest claims of negligence fall under failure to exercise caution ($n=108$; 29.3%).

In most instances, the deceased was a nonsuspect or an innocent bystander ($n = 224$; 61.4%). Even so, in more than 37% of the cases, the deceased was either a suspect (32.6%) or a third-party participant ($n = 18$; 4.9%). The largest share of the incidents occurred in urban areas, whereas the remainder occurred in rural ($n = 56$; 15.3%) or suburban areas ($n = 35$; 9.6%). Most of the cases were affirmed in favor of the police ($n = 183$; 49.6%). Combining the cases affirmed in favor of the police with those reversed and remanded in their favor, the police prevailed in nearly 63% of the verdicts. Finally, in 51 instances a monetary award was rendered. These awards ranged from \$1 to \$17.9 million. Of these awards, 18 of them were for \$1 million or more.

Multivariate Analyses

Table 5 contains a frequency distribution of variables included in subsequent analyses. Eleven predictor variables tap into both the “contextual” aspects of the incident that resulted in a citizen death, which are generally those factors that are not direct correlates of deciding an outcome but rather issues that may influence the verdict informally, and “situational” factors, which are direct actions/inactions by the police that resulted in citizen death. Definitions and codes for the two different outcome variables are included as well. Of the 369 cases included in the data set, information on all the variables to be included in the analyses was not available, thus not all subsample *ns* equal 369. Table 6 presents a correlation matrix for predictor variables and the verdicts in the cases.

A few words of clarification are in order regarding the variables included in the analyses. All the independent variables in the study were categorical in nature so it was necessary to recode those variables not dichotomous in nature for inclusion in subsequent runs. In certain instances it was necessary to exclude a handful of cases because they could not be easily classified. For example, in 18 cases, the incident included male and female victims, thus prohibiting inclusion in the “gender of deceased” variable. However, these cases were not excluded from the analyses completely, as they would be included in the variable “number of deceased” as “multiple.”

Independent variables that had multiple categories proved more difficult to structure for regression analysis. In these circumstances, variables were dichotomized based on the available literature pertaining to police wrongful death, police use of force, police shootings, and reported crime statistics. For example, deaths of “innocent bystanders” in police pursuits has been a major issue for law enforcement agencies such that operations and tactics have been amended by specific policies outlining when a high speed pursuit is warranted (see Alpert, 1997). This initiative within law enforcement holds that separating out pursuit-related deaths from others may have significant explanatory strength when it comes to decisions on wrongful death lawsuits. A similar logic holds true for police use of excessive force. Some variables were included speculatively because information was available from the Lexis-Nexis database. For example, these analyses used the Uniform Crime Reports (UCR) definition of southern states to separate this region from others. The southern region of the United States (which by UCR definitions include the states of Delaware, Maryland, Virginia, West Virginia, Kentucky, Tennessee, North Carolina, South Carolina, Georgia, Florida, Alabama, Mississippi, Arkansas, Louisiana, Oklahoma, Texas, as well as the District of Columbia) historically has one of the highest crime rates by region of the country (Federal Bureau of Investigation, 2004). In the present research, this region accounts for nearly half (177) of the 369 wrongful death lawsuits. A similar measure was used in a national study of fatal police shootings performed more than a decade ago (Sorensen et al., 1993).

Table 5
Sample Characteristics (n = 369)

Variable	Code	Value	%	n
<i>Independent variables</i>				
Number of deceased	0	Single victim	90.2	332
	1	Multiple victims	9.8	36
Gender of deceased	0	Male	71.0	242
	1	Female	29.0	99
Age of deceased	0	Adult	83.8	264
	1	Juvenile	16.2	51
Time of death	0	All other times	54.5	114
	1	Late night	45.5	95
Region of country	0	All other regions	52.0	192
	1	South	48.0	177
Number of officers involved	0	Single officer	47.6	168
	1	Multiple officers	52.4	185
Incident location	1	Urban	61.9	148
	2	Suburban	14.6	35
	3	Rural	23.4	56
Type of death	0	Officer "inaction"	23.1	82
	1	Officer "actions"	76.9	273
Duty action	0	All others	81.1	288
	1	Excessive force	18.9	67
Action resulting in death	0	All others	78.0	284
	1	Vehicular pursuit	22.0	80
Deceased's role	1	Suspect	33.0	119
	2	Third-party participant	5.0	18
	3	Nonsuspect/bystander	62.0	224
<i>Dependent variables</i>				
Verdict	0	Affirmed in favor of police	66.9	228
		Affirmed in favor of plaintiff	33.1	113
\$ Amount awarded to plaintiff		Numeric	[\$0-17,900,000]	305

The results of the logistic regression analysis are presented in Table 7. Of the 11 independent variables included in the model, only "number of officers involved" is significant in predicting verdicts in police wrongful death lawsuits. Cases where multiple officers were involved in the incident are more likely to be affirmed in favor of the plaintiff. It should be noted that incidents categorized as having multiple officers involved indicate that more than one officer was present *at the scene at the time* of death(s) in question in the complaint. None of the other independent variables are significant, indicating that "extralegal" factors included in this data set, such as the decedent's gender, age, and region of the country, do not significantly affect verdicts in wrongful death lawsuits. Officer actions seem to play little part as well.

Table 6
Correlation Matrix for Predictor Variables and Verdicts in Police Wrongful Death Cases

	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)
Verdict	1.000											
Number of deceased	-.021	1.000										
Deceased's gender	.085	.008	1.000									
Deceased's age	-.066	-.019	-.110	1.000								
Time of death	-.013	-.040	-.108	-.004	1.000							
Region of country	.033	-.024	-.032	-.042	.037	1.000						
Number of officers involved	.016	.024	-.075	.004	-.053	-.200**	1.000					
Incident location	.014	-.013	.033	-.075	-.036	.045	.017	1.000				
Type of action resulting in death	.003	.092	.182**	-.093	.085	.114*	-.142**	-.068	1.000			
Officer's (in)action cited in complaint	.028	-.087	-.224**	-.052	.080	.013	.047	-.087	.050	1.000		
Action resulting in death	.025	.015	-.032	.017	-.074	-.030	.013	.010	.170**	-.098	1.000	
Deceased's role at time of death	-.084	.018	.094	.001	-.093	-.027	-.093	.048	.101	-.109*	.020	1.000

Table 7
Logistic Analysis on Verdicts in Police Wrongful Death Lawsuits

Independent Variables	Logit(B)	<i>t</i>	Probability
Number of deceased	-20.268	.000	.999
Gender of deceased	.897	1.483	.138
Age of deceased	.662	.911	.362
Time of death	-.719	1.364	.172
Region of country	-.331	-.613	.539
Number of officers involved	1.141	2.165	.030
Type of death	-.095	-.144	.885
Duty action	.772	1.103	.270
Action resulting in death	.265	.875	.383
Deceased's role	-.523	1.881	.061

Note: Chi-square = 18.726; *df* = 11; probability = .066.

Deaths in which the subject was female or was a suspected offender approach significance, but the evidence is insufficient to report an association. The fit statistics in the logistic regression analysis indicate a poorly specified model, leading to the notion that key information pertaining to the actions of the individuals (deceased, officers, and other parties) is not available in the case histories obtained from the Lexis-Nexis database—information likely to be significant determinants in wrongful death verdicts. Possible factors not included in the present research but for which empirical evidence suggests an association are discussed in the discussion and conclusion section.

The final analysis included was a separate OLS regression analysis performed on those cases affirmed in favor of the plaintiff, with dollar amount awarded as the dependent variable. Table 8 presents the correlation matrix for the predictor variables and plaintiff awards. The same predictor model was used as in the logistic regression analyses above (Table 9). Of the 228 cases decided in favor of the complainant, 90 contained information pertaining to the dollar amount awarded by the court, even if that award was \$0. In this subset of cases, none of the independent variables was significant (or approached significance), indicating that monetary award is influenced by factors unavailable for collection from the Lexis-Nexis database.

Discussion and Conclusion

In general, the results from this research mirror some of those in the prior policing and police liability literature. For example, the larger states, with some of the largest cities, such as Los Angeles and New York, have always yielded a large share of lawsuits. It was surprising to find that Louisiana had the third largest number of cases. Although conventional wisdom would say that New Orleans, which, in previous

Table 8
Correlation Matrix for Predictor Variables and Plaintiff Awards in Police Wrongful Death Cases

	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)
Award	1.000											
Number of deceased	.251*	1.000										
Deceased's gender	-.055	.044	1.000									
Deceased's age	.059	-.079	-.283**	1.000								
Time of death	.084	-.005	-.057	-.020	1.000							
Region of country	-.010	.161	-.032	-.118	-.050	1.000						
Number of officers involved	.040	.019	-.201*	.039	-.025	-.202**	1.000					
Incident location	-.141	-.130	.195	-.149	.006	-.037	-.118	1.000				
Type of action resulting in death	.093	.158	.153	-.140	.115	.054	-.256**	-.095	1.000			
Officer's (in)action cited in complaint	-.023	-.148	-.238*	.040	-.069	-.079	.123	-.219	.045	1.000		
Action resulting in death	-.018	.040	-.099	-.060	-.106	-.104	-.121	.046	.170	-.141	1.000	
Deceased's role at time of death	.017	.040	.042	.025	-.161	.044	.021	.201	.100	-.143	-.015	1.000

Table 9
Ordinary Least Squares Analysis on Verdicts
in Police Wrongful Death Lawsuits

	<i>B</i>	SE	Beta
Gender of deceased	-878353.8	778764.29	-.398
Age of deceased	482257.6	643802.86	.187
Time of death	-72524.5	710713.96	-.037
Region of country	460880.4	494370.45	.219
Number of officers involved	-671212.4	592136.31	-.313
Type of death	-747644.9	721625.68	-.310
Duty action	-303252.6	709395.94	-.132
Action resulting in death	-123761.6	170023.90	-.213
Deceased's role	-324516.2	327054.64	-.302
Incident location	-412786.3	337191.44	-.318
Constant	3560273.0*		
$R^2 = .368$			

Note: "Number of deceased" is not included in the analysis as no wrongful death cases with multiple decedents resulted in financial remuneration.

* $p < .05$.

years, has had a major problem with corruption/police brutality, would account for the majority of these cases, the cases were, in fact, distributed throughout the state. As such, we have no firm answer as to why Louisiana had so many cases. Turning to those named in the cases, the data were in line with previous research, which has revealed that along with the officer, his or her supervisors and the political leader of the jurisdiction will also be named in the suit (Ross, 2000). Also, it is likely that those persons involved in pursuits or innocent drivers will be killed in automobile collisions.

The results regarding the gender of the deceased were not unexpected. Police encounter male actors much more than females, and adults much more than minors. Juvenile delinquency remains an ongoing concern, but not overwhelmingly in the area of more dangerous activities that tend to result in death. As for the officer's gender, it was also not surprising that they would be male because the profession is still predominantly male.

Considering that conventional wisdom would lead one to believe that most incidents would originate in the summer (when there is likely to be more activity because of warm weather), there is no clear explanation why the largest share of the cases occurred in the fall; however, there is precedence for the larger share of such incidents occurring at night. The "night shift" has traditionally been considered the most active one (White, 2006); therefore, there is an increased likelihood that wrongful death incidents that trigger lawsuits will occur during these hours. In addition, younger and less experienced officers often work this shift more because of seniority-based scheduling.

The reasons for the lawsuits also were not unexpected. As noted in the literature review, scholars have been researching and publishing articles on these topics for several years so there were few revelations. Police agencies have been instituting mandatory training and policies on each of the reasons listed. Police pursuits remain the most common and hardest decision that officers have to make on the street. Agencies have done a great deal to limit their liability in this area, however, weighing the ability and need to catch a criminal and/or stop them from hurting someone else against letting the criminal go and taking a chance of losing the case because of a lack of identity or because evidence is extremely tough. The second most frequent reason for the lawsuits was death while in custody, which may be an overlooked problem. Police agencies and their officers need to make sure that they are maintaining visual checks, and the like, on their prisoners, ensuring they are not suicidal or put in a position during arrest that could cause asphyxiation. Domestic-related cases primarily involved special relationships between police and victims of violence and/or possessing protective court orders. These situations continue to be quasi-criminal/civil problems, which police have difficulty enforcing because of the relationships between the suspect and the victim, custody of children, and so on. Constant training continues to be updated and provided to officers in the field as new laws and case laws are produced. Death-after-release cases involve a number of problems, from an intoxicated driver getting behind the wheel again to an angry suspect retaliating against the victim. Police departments need to ensure that necessary steps are taken to lessen the likelihood of these types of events occurring. In evaluating the area of the miscellaneous results in this category, numerous actions brought police agencies into wrongful death lawsuits. These incidents ranged from signal light malfunctions, notifications of weather/roadway hazard conditions, and keeping people away from dangerous objects at police scenes to neighbor problems and security issues at public events. Police departments need to do everything in their power to address each of these results through training, revised policy, and procedures.

The verdicts suggest that, in nearly two thirds of the incidents, the courts have sided with the police and invoked the qualified immunity provision (Worrall, 2001). This figure is a bit higher than those found in previous studies where the police were victorious in a little more than half of the cases (Ross, 2000). Even so, the circumstances in the remaining third of the cases indicate that the incidents were so egregious, that the courts had to side with the plaintiffs. The unfortunate part of these findings is that over 61% of the deceased were innocent bystanders/victims. One final note here is that, going against conventional wisdom, at times, *suspects* were victorious in their suits against the police. This suggests that the courts will rule against the police when they engage in egregious behavior that results in the death of innocent bystanders *and* suspects.

Overall, our findings confirm that even with the explosion of literature analyzing the liability of police officers and the recommendation of subsequent approaches to curtail the frequency of suits, wrongful death cases involving the police remain a

reality. Furthermore, the results of the multivariate analyses show that more research is required to determine the predictors associated with plaintiff success in wrongful death cases. For example, as one anonymous reviewer aptly noted, it is likely that there are a host of other variables not available in the Lexis-Nexis case summaries that could be associated with plaintiffs being successful. Such things might include the quality of their legal representation, historical factors, track record of the police department, race of the deceased, race of the officer, tenure of the officer, and the like. Finding a data source to examine the role of these variables in whether plaintiffs are successful or not, we believe, represents a promising area for future research.

There were several limitations to this research. First, not all cases had all the specified characteristics, so we have some missing data. Second, as noted in the previous literature, many of these cases were settled out of court and hence no court record was available. Third, the verdict does not always relate to the final outcome and in some cases may be a split decision requiring interpretation. Finally, as mentioned above, there were several characteristics that could not be gleaned from the cases.

Future research should continue to quantify the nature of lawsuits related to the police and other criminal justice professions. Such research has the potential to aid policy makers in seeing the breadth of the cases that emanate from diverse jurisdictions around the country. Having such information allows for the consideration of situations that largely go unnoticed until it is too late. But by being proactive, police departments have the potential to avert the enormous monetary judgments revealed in this research.

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